

WESTERN AUSTRALIA

JUDGES' RETIREMENT ACT 1937

AN ACT to provide for the retirement of Judges of the Supreme Court and to provide for their pensions on such retirement; to amend the *Constitution Act 1889* and the *Supreme Court Act 1935*; and for other purposes consequent thereon and incidental thereto.

Short title and construction

1. (1) This Act may be cited as the *Judges' Retirement Act 1937*¹.

(2) This Act shall be read and construed with and as an amendment of the *Constitution Act 1889* (52 Vict., No. 23), and the *Supreme Court Act 1935* (No. 36 of 1935).

Interpretation

2. In this Act—

“Judge” means and includes any person appointed to and holding any of the following offices:—

- (a) Chief Justice of Western Australia; or
- (b) Judge of the Supreme Court of Western Australia; or
- (c) Acting Judge of the Supreme Court of Western Australia; or
- (d) A Commissioner of the Supreme Court of Western Australia appointed under section 49 of the *Supreme Court Act 1935*.

Retirement of Judges

3. Notwithstanding anything to the contrary contained in the *Constitution Act 1889*, or in the *Supreme Court Act 1935*, every Judge appointed after the commencement of this Act who shall attain the age of 70 years shall retire from office on the day on which he attains such age, and thereupon the office of such Judge shall by virtue of this Act become vacant, save for the purpose of completing the trial of any action as next hereinafter provided, and such office may, notwithstanding the pendency of any such trial, be filled by the appointment of any qualified person:

Provided that any Judge who ceases to hold office under this section on attaining the age of 70 years may nevertheless complete the trial of any action which he had entered upon and had not completed before attaining that age:

Provided further, that this section shall not apply to any Judge who holds office as a puisne Judge at the date of the commencement of this Act and who is hereafter appointed to the office of Chief Justice.

[4. *Section 4 repealed by No. 35 of 1950 Schedule.*]

NOTES

¹. This reprint is a compilation as at 19 January 1989 of the *Judges' Retirement Act 1937* and includes the amendment effected by the other Act referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Judges' Retirement Act 1937</i>	8 of 1937	8 December 1937	8 December 1937	
<i>Judges' Salaries and Pensions Act 1950, The Schedule</i>	35 of 1950	16 December 1950	16 December 1950	

Marginal notes in the *Judges' Retirement Act 1937* referring to legislation of other jurisdictions have been omitted from this reprint.